



**IN THE UPPER TRIBUNAL**  
**IMMIGRATION AND ASYLUM CHAMBER**  
**ON THE PAPERS**

Case No: UI-2024-000546  
UI-2024-000547  
First-tier Tribunal No:  
PA/55923/2023  
PA/55924/2023

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:**  
**On the 08 April 2024**

**Before**

**UPPER TRIBUNAL JUDGE LINDSLEY**

**Between**

**LICA (1)**  
**SJDC (2)**  
**(ANONYMITY ORDER MADE)**

Appellants

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Heard at Field House on 3 April 2024**

**Order Regarding Anonymity**

**Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the appellants are granted anonymity.**

**No-one shall publish or reveal any information, including the name or address of the appellants, likely to lead members of the public to identify the appellants. Failure to comply with this order could amount to a contempt of court.**

**DECISION AND REASONS**

*Introduction*

1. The appellants are citizens of Nicaragua, and mother and daughter, the first appellant being born in 1968 and the second appellant being born in 1993. They arrived in the UK on 9<sup>th</sup> May 2021 and claimed asylum on arrival. Their applications were refused on 22<sup>nd</sup> June 2023. Their appeals against the decisions to refuse their protection claims were

dismissed on all grounds by First-tier Tribunal Judge Suffield-Thompson after a hearing on 16<sup>th</sup> January 2024.

2. Permission to appeal was granted by Judge of the First-tier Tribunal Dainty on 24<sup>th</sup> February 2024 on the basis that it was arguable that the First-tier judge had erred in law in failing to give any/ adequate reasons why the witness WG was not truthful, and further that it was arguable that the First-tier Judge had either overlooked or misread the documents in the appellants' bundle at pages 32 to 35, and/or failed to give reasons for finding them unreliable. Both these errors could arguably have materially affected the credibility assessment of the appellants and thus the outcome of the appeal.
3. The respondent filed a Rule 24 response in which he states that he does not oppose the appellants' application for permission to appeal and invites the Upper Tribunal to set the decision aside and remit it to be reheard by a different judge of the First-tier Tribunal. The solicitors for the appellants confirmed by emailed dated 19<sup>th</sup> March 2024 that they were content for this matter to be dealt with without an oral hearing, and the appeal remitted to the First-tier Tribunal for a de novo hearing not before Judge Suffield-Thompson.

#### *Conclusions - Error of Law*

4. In light of the consensus between the parties and having considered the grounds of appeal and the decision I find that the decision of the First-tier Tribunal should be set aside for want of consideration of relevant evidence and inadequate reasoning. As the errors go to the central issue of the credibility of the appellants' claim the findings should also all be set aside.
5. In light of the extent of remaking the appeal is remitted to be reheard in the First-tier Tribunal.

#### Decision:

1. The making of the decision of the First-tier Tribunal involved the making of an error on a point of law.
2. I set aside the decision of the First-tier Tribunal and all of the findings.
3. I remit the remaking of the appeal to the First-tier Tribunal to be heard de novo by any First-tier Tribunal judge other than Judge of the First-tier Tribunal Suffield-Thompson.

**Fiona Lindsley**

Judge of the Upper Tribunal  
Immigration and Asylum Chamber

**3<sup>rd</sup> April 2024**